



U. S. Department of Justice

Civil Division

Washington, D.C. 20530

MEMORANDUM

MAY 29 2002

TO: Branch/Office/Staff Directors
All Attorneys
Civil Division

FROM: Kenneth L. Zwick, Director *KLZ*
Office of Management Programs
Civil Division

SUBJECT: Delegated Procurement Authority For Litigation-Related Expenses

In 1998, I issued to all Civil Division attorneys a delegation of procurement authority which enabled them to procure certain litigation-related goods and services. That delegation specifically excluded expert witnesses because of Departmental policy at the time. Finding that policy unduly restrictive, we succeeded in persuading the Justice Management Division (JMD) to change it. As a result, I am now able to expand your delegation of procurement authority to include expert witness services up to \$2,500. The delegation that follows is much the same as the earlier version, but no longer contains the prohibition on acquisition of expert witness services. This change will enable you to engage expert witnesses up to that dollar threshold, even if a full procurement later becomes necessary.

This delegation is effective immediately and supercedes all previous versions. Unless sooner terminated, this delegation will remain in effect as long as the recipient is employed as an attorney in the Civil Division. The delegation is issued pursuant to the procurement authority granted me by the Director, Procurement Services Staff, Justice Management Division, and in accordance with Federal Acquisition Regulation (FAR), 48 Code of Federal Regulations Part 13, as supplemented by the Justice Acquisition Regulation (JAR) 2801.60.

Each attorney is hereby delegated authority to acquire litigation-related goods and services as enumerated below. Attorney's are not authorized to re-delegate this authority. Civil Division guidance for processing invoices is attached.

- (1) Litigation-related goods and services include stenographic reporting, foreign language interpretation, deposition fees, expert witness, ADR and litigative consultant services, reproduction or purchase of documents, court documents and records.
- (2) Goods and services must be directly related to a case or cases to which the procuring attorney is assigned.

(3) Purchases for litigation-related expenses under this delegation shall not exceed the government-wide micro-purchase threshold (currently \$2,500 per transaction).

(4) Goods and services must be reasonable in price.

Attached is guidance on using the certified invoice procedures in conjunction with this delegation.

(Attachment)

**Civil Division Guidance
for Certified Invoice Procedures**

The guidance below is to be followed when using the Certified Invoice Procedures as described in the Justice Acquisition Regulations 2813.70. These procedures may be used only when exercising the delegation of procurement authority for litigation-related expenses of \$2,500 or less. This guidance cannot be used for expenses greater than \$2,500.

- a. For Expert Witnesses, Litigative Consultants, or Neutrals prepare an OBD 47, Request, Authorization and Contract for Services of Expert Witness, Litigative Consultant, or ADR Neutral. For all other litigative related expenses (e.g., court reporters, transcripts, and miscellaneous costs) prepare a CIV 204, Request and Authorization to Incur Litigative Expenses.
- b. The following certification statement is required on all invoices.

I certify that these goods and /or services were received on _____ (date) and accepted on _____ (date). Oral purchase was authorized and no confirming order has been issued.

Signature _____ Date _____

Printed or Typed Name and Title

- c. Submit the CIV 204 or OBD 47, the certified invoice, and any other supporting documentation to the attorney's Director for review and approval.
- d. After approval, send the CIV 204 or OBD 47 to **OPBE, 1100 L St, Room 9040** for processing.
- e. To avoid Prompt Payment Act interest penalties, send the completed package to OPBE for payment within **5 workdays** after receipt of the invoice and acceptance of supplies or services. If the service or supplies are not accepted, contact the vendor immediately to resolve invoice discrepancies.

For litigation-related goods and services that exceed \$2,500, the requesting attorney should contact the Contracts and Procurement Branch at (202) 616-7931 for assistance.